HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 24323 OF 2006

DATED: 22.11.2006

Between:

P. Chinta Reddy and others

… Petitioners

and

The District Collector, East Godavari and others

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.24323 OF 2006

ORAL ORDER:

The petitioners, three in number, claim to be owners of distinct extents of lands in Sy.No. 9/4, Jaggammagaripeta, Samalkota town and mandal, East Godavari District. By a notification dated 26.9.2006, issued under Section 4 (1) of the Land Acquisition Act, 1894 (for short 'the Act'), the State proposed acquisition of an extent of Ac.5.00 in the said survey number for the purpose of providing house-sites to weaker sections under the "Indiramma Programme". Urgency clause has not been invoked and enquiry under Section 5-A of the Act has not been dispensed with.

The petitioners' grievance however is that the 3rd petitioner who also owns an extent of Ac.0.75 cents under a registered sale deed dated 2.9.2006 has not been mentioned as the owner and cultivator of the land in question and therefore would be denied the opportunity to lodge his objections at the enquiry under Section 5-A of the Act.

In the aforesaid circumstances, after hearing the learned Government Pleader for Land Acquisition, the writ petition is disposed of permitting the petitioners including the 3rd petitioner to lodge

objections to the process of acquisition before the 2nd respondent. On such objections being lodged, the respondent shall consider the same in the enquiry scheduled under Section 5-A of the Act, after issuing to the petitioners a notice under Section 5-A proposing and mentioning the date of the enquiry. The competent authority shall consider the objections submitted by the petitioners to the process of enquiry and take a decision on the matter and communicate the same to the petitioners by Registered Post Acknowledgment Due. Till such communication to the petitioners of the decision taken under Section 5- A(2) of the Act, the petitioners shall not be dispossessed from the lands they are in occupation of in Sy.No.9/4, Jaggammagaripeta, Samalkota town and mandal, East Godavari District. There shall be no order as to costs.

GODA RAGHURAM, J

Date: 22.11.2006

Note: CC as soon as possible
Bo cvm